

AMENDED IN SENATE JUNE 25, 2013
AMENDED IN ASSEMBLY APRIL 16, 2013
AMENDED IN ASSEMBLY APRIL 9, 2013
AMENDED IN ASSEMBLY APRIL 4, 2013
AMENDED IN ASSEMBLY MARCH 19, 2013
CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 610

Introduced by Assembly Member Achadjian

February 20, 2013

An act to amend *Section 2970 of the Penal Code* and to amend Section 4117 of the Welfare and Institutions Code, relating to state hospitals.

LEGISLATIVE COUNSEL’S DIGEST

AB 610, as amended, Achadjian. State hospitals: involuntary treatment.

Existing law requires, prior to the termination of parole or release from prison, as specified, of a parolee or prisoner with a severe mental disorder that is not in remission or cannot be kept in remission without treatment, that a written evaluation on remission be submitted to the district attorney of the county in which the parolee is receiving outpatient treatment, or for those in prison or in a state mental hospital, the district attorney of the county of commitment.

This bill would specify that, in the case of a person who is in a prison or in a state mental hospital, that the written evaluation on remission

be submitted to the district attorney of the county of commitment to prison.

Existing law requires a county to submit a statement of all mental health treatment costs and a separate statement of nontreatment costs, to be submitted to the State Department of State Hospitals and the Controller, respectively, when a trial or hearing is held for specified inmates of state hospitals, including trials for persons charged with escape from a state hospital and trials for persons who commit a crime while confined in a state hospital.

This bill would make these provisions applicable to hearings for an order seeking involuntary treatment of a person confined in a state hospital with psychotropic medication or other medication for which an order is required.

Existing law authorizes a district attorney to file a petition for continued involuntary treatment for one year of a prisoner who refused to agree to treatment as part of parole, if the prisoner's severe mental disorder is not in remission or cannot be kept in remission without treatment and the prisoner represents a substantial danger of physical harm to others.

This bill would require the nontreatment costs associated with any hearing for the involuntary medication of a person committed under this provision to be paid by the county of commitment, as defined.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 2970 of the Penal Code is amended to
2 read:
3 2970. (a) Not later than 180 days prior to the termination of
4 parole, or release from prison if the prisoner refused to agree to
5 treatment as a condition of parole as required by Section 2962,
6 unless good cause is shown for the reduction of that 180-day
7 period, if the *parolee's or* prisoner's severe mental disorder is not
8 in remission or cannot be kept in remission without treatment, the
9 medical director of the state hospital ~~which~~ *that* is treating the
10 parolee, or the community program director in charge of the
11 parolee's outpatient program, or the Secretary of the Department
12 of Corrections and Rehabilitation, shall submit to the district
13 attorney of the county in which the parolee is receiving outpatient

1 treatment, or for those in prison or in a state mental hospital, the
2 district attorney of the county of commitment *to prison*, his or her
3 written evaluation on remission. If requested by the district
4 attorney, the written evaluation shall be accompanied by supporting
5 affidavits.

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7 (b) *The* district attorney may then file a petition with the superior
8 court for continued involuntary treatment for one year. The petition
9 shall be accompanied by affidavits specifying that treatment, while
10 the prisoner was released from prison on parole, has been
11 continuously provided by the State Department of State Hospitals
12 either in a state hospital or in an outpatient program. The petition
13 shall also specify that the prisoner has a severe mental disorder,
14 that the severe mental disorder is not in remission or cannot be
15 kept in remission if the person's treatment is not continued, and
16 that, by reason of his or her severe mental disorder, the prisoner
17 represents a substantial danger of physical harm to others.

18 ~~SECTION 1.~~

19 SEC. 2. Section 4117 of the Welfare and Institutions Code is
20 amended to read:

21 4117. (a) Whenever a trial is had of any person charged with
22 escape or attempt to escape from a state hospital, whenever a
23 hearing is had on the return of a writ of habeas corpus prosecuted
24 by or on behalf of any person confined in a state hospital except
25 in a proceeding to which Section 5110 applies, whenever a hearing
26 is had on a petition under Section 1026.2, subdivision (b) of Section
27 1026.5, Section 2966 or Section 2972 of the Penal Code, Section
28 7361 of this code, or former Section 6316.2 of this code for the
29 release of a person confined in a state hospital, whenever a hearing
30 is had for an order seeking involuntary treatment of a person
31 confined in a state hospital with psychotropic medication or other
32 medication for which an order is required, and whenever a person
33 confined in a state hospital is tried for a crime committed therein,
34 the appropriate financial officer or other designated official of the
35 county in which the trial or hearing is had shall make out a
36 statement of all mental health treatment costs and shall make out
37 a separate statement of all nontreatment costs incurred by the
38 county for investigation and other preparation for the trial or
39 hearing, and the actual trial or hearing, all costs of maintaining
40 custody of the patient and transporting him or her to and from the

1 hospital, and costs of appeal, which statements shall be properly
2 certified by a judge of the superior court of that county. The
3 statement of mental health treatment costs shall be sent to the State
4 Department of State Hospitals and the statement of all nontreatment
5 costs, except as provided in subdivision (c), shall be sent to the
6 Controller for approval. After approval, the department shall cause
7 the amount of mental health treatment costs incurred on or after
8 July 1, 1987, to be paid to the county mental health director or his
9 or her designee where the trial or hearing was held out of the money
10 appropriated for this purpose by the Legislature. In addition, the
11 Controller shall cause the amount of all nontreatment costs incurred
12 on and after July 1, 1987, to be paid out of the money appropriated
13 by the Legislature, to the county treasurer of the county where the
14 trial or hearing was had.

15 (b) Commencing January 1, 2012, the nontreatment costs
16 associated with Section 2966 of the Penal Code and approved by
17 the Controller, as required by subdivision (a), shall be paid by the
18 Department of Corrections and Rehabilitation pursuant to Section
19 4750 of the Penal Code.

20 (c) Commencing January 1, 2014, the nontreatment costs
21 associated with any hearing for an order seeking involuntary
22 treatment with psychotropic medication, or any other medication
23 for which an order is required, of a person confined in a state
24 hospital pursuant to Section 2970 of the Penal Code, as provided
25 in subdivision (a), shall be paid by the county of commitment in
26 accordance with the provisions of Section 5110. As used in this
27 subdivision, "county of commitment" means the county seeking
28 the continued treatment of a mentally disordered offender pursuant
29 to Section 2970 of the Penal Code.

30 (d) (1) Whenever a hearing is held pursuant to Section 1604,
31 1608, 1609, or 2966 of the Penal Code, all transportation costs to
32 and from a state hospital or a facility designated by the community
33 program director during the hearing shall be paid by the Controller
34 as provided in this subdivision. The appropriate financial officer
35 or other designated official of the county in which a hearing is
36 held shall make out a statement of all transportation costs incurred
37 by the county. The statement shall be properly certified by a judge
38 of the superior court of that county and sent to the Controller for
39 approval. The Controller shall cause the amount of transportation
40 costs incurred on and after July 1, 1987, to be paid to the county

1 treasurer of the county where the hearing was had out of the money
2 appropriated by the Legislature.
3 (2) As used in this subdivision, “community program director”
4 means the person designated pursuant to Section 1605 of the Penal
5 Code.

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